



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 19, 1996

Ms. Tamara Armstrong
Assistant County Attorney
Travis County
County Courthouse
P.O. Box 1748
Austin, Texas 78767

OR96-1195

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34594.

The Travis County district attorney's office (the "district attorney") has received a request for information regarding a specified criminal case. You claim that the records submitted for our review are excepted from disclosure under sections 552.101, 552.103, 552.108, and 552.111 of the Government Code.

We conclude that section 552.108 of the Government Code permits you to withhold most of the requested information. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We note, however, that information normally found on the front page of an offense report is generally considered public.¹ *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d

¹The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). We therefore conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure.²

Because we conclude that you may withhold all of the information except for front page offense report information under section 552.108, we do not address your arguments under sections 552.101, 551.203, and 552.111 of the Government Code. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 35392

Enclosures: Submitted documents

cc: Mr. Robert R. Varner, Jr.
Salyes & Lidji
4400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270
(w/o enclosures)

²Although the identity of a victim of sexual assault is normally protected by common-law privacy, *see* Open Records Decision No. 628 (1994), we note that you need not delete the victim's name in this instance because the requestor represents the victim of the alleged sexual assault. Therefore, he has a special right of access to the information on behalf of his client under section 552.023 of the Government Code.